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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,376	03/07/2007	Mathias Franz	2003P08761 (NSN)	6460
24131	7590	09/14/2010	EXAMINER	
LERNER GREENBERG STEMER LLP			KHIRODHAR, MAHARISHI V	
P O BOX 2480			ART UNIT	PAPER NUMBER
HOLLYWOOD, FL 33022-2480			2463	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/561,376	FRANZ ET AL.	
	Examiner	Art Unit	
	MAHARISHI KHIRODHAR	2463	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 December 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 14-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 14-23 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 07 March 2007 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14 - 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Request for comments : 2833 (Networking working Group, H.Schulzrinne, May 2000).

Claim 14, Schulzrinne discloses: A method for determining the type of transmission of signaling information (Abstract) between a first and a second packet network terminal (Page 4, 3rd paragraph, where the PSTN gateways or Internet end systems generates DTMF events and do not perform their own audio waveform analysis) for a simplifying processing of the signaling information with relation to a dialogue with a speech dialogue system in a packet network (Page 4, 3rd paragraph, where the Interactive voice response (IVR)) system is responsible for the audio waveform analysis) , comprising:

providing a speech dialogue system without special hardware devices (Page 2, lines 1 – 3, where the burden on the tone recognition on the receiver is eliminated) for the support of in- band signaling and is specified as one of the packet network terminals (Page 4, 3rd paragraph, Interactive voice response (IVR)); avoiding codecs with in-band signaling for the transmission of signaling information

(Page 1, last paragraph, lines 7 – 10); and determining either a codec with out-of-band-signaling (Page 2, second paragraph, lines 10 -12) supported by both packet network terminals or signaling by specially labeled data packets for the transmission of signaling information (Page 1, introduction, where separate RTP payloads are desirable since they provide higher redundancy maintaining a low bit rate) .

Claim 15, Schulzrinne further discloses: The method according to claim 14, wherein the signaling is carried out by specially labeled data packets in accordance with the IETF Standard RFC 2833 (Entire document).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Request for comments: 2833 (Networking working Group, H.Schulzrinne, May, 2000) in view of: SIP INFO Method for event reporting (Viral Bharatia, April 2000).

Claim 16,Schulzrinne discloses: A method for determining the type of transmission of signaling information between a first and a second packet network terminal for a simplifying processing of the signaling information with relation to a

dialogue with a speech dialogue system in a packet network (Page 4, 4th paragraph), comprising:

providing a speech dialogue system without special hardware for the support of in-band signaling (Page 4, 4th paragraph, where the PSTN gateway or internet system does not perform their own waveform analysis and Page 2, lines 1 - 3, where the receiver is not burdened).

Schulzrinne does not disclose: is specified as the second packet network terminal determining a codec supported by both packet network terminals for the transmission of signaling information; and controlling the speech dialogue system by a control device that, independently of the selected codec, sends a signaling message to the first packet network terminal and that message stipulates the use of out-of-band signaling.

Bharatia discloses: and is specified as the second packet network terminal determining a codec supported by both packet network terminals for the transmission of signaling information (Abstract, where the communicating mid-call events in SIP sessions); and controlling the speech dialogue system by a control device that (Introduction, paragraph 1, where the use of the MGC which is used for carrying mid-session signaling messages), independently of the selected codec, sends a signaling message to the first packet network terminal and that message stipulates the use of out-of-band signaling (Page 4, Last paragraph, if the MGC receives an event request it does not understand the MGC can respond to the requesting SIP UA with a Unsupported media type).

It would have been obvious at the time the invention was made to modify Schulzrinne's system to include to send signaling message that stipulates the use of out of band signaling. The motivation for making the above modification would have been to request and report event detection between network entities (Abstract).

Claim 22 is analyzed with respect to claim 16, As to the limitation "A device for simplifying processing of the signaling information with relation to a dialog with speech dialog system" is disclosed by Schulzrinne (Page 4, 3rd paragraph, where the system rely on PSTN gateways or internet end systems, an example of such a system is an internet interactive voice-response (IVR) system.

Claim 17, Bharatia further discloses: The method according to claim 16, wherein that with relation to a codec negotiation/determination, a codec is selected that is supported by both packet network terminals (Abstract and 4.1 first paragraph).

Claim 18, Schulzrinne further discloses: The method according to claim 16, wherein the transmission of signaling information with relation to the automated information output is carried out by Dual Tone Multiple Frequency characters (Introduction, 2nd paragraph).

Claim 19, Bharatia further discloses: The method according to claim 16, wherein the speech dialogue system is controlled by a control device that is represented by a packet based exchange, a call server, a proxy server, or a soft switch (Introduction, 1st paragraph).

Claim 23 is analyzed with respect to claim 19.

Claim 20, Schulzrinne further discloses: The method according to claim 16, wherein in the case that for the transmission via the packet network a codec with out-of-band signaling or signaling according to RFC 2833 supported by both packet network terminals cannot be determined, or the first packet network terminal does not permit out-of-band signaling for codecs supported by both packet network terminals the a speech dialogue system supporting in-band signaling is specified as a packet network terminal instead of the speech dialogue system without special hardware for the support of in-band signaling, and a coding method with in-band signaling is determined for the , transmission of the signaling information (Page 2, 1st paragraph).

Claim 21, Schulzrinne further discloses: The method according to claim 16, wherein with relation to the dialogue with the speech dialogue system, an automatic output of information, speech information, video information, or both is undertaken (Page 4, 3rd paragraph).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHARISHI KHIRODHAR whose telephone number is (571)270-7909. The examiner can normally be reached on Monday to Thursday, 8:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M.K/

/Derrick W Ferris/
Supervisory Patent Examiner, Art Unit 2463